

Introduced by Senator Dutton

February 22, 2006

An act to amend Section 420.1 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

SB 1410, as introduced, Dutton. Trespass: denial of access.

(1) Existing law makes it a crime for any to willfully and knowingly prevent, hinder, or obstruct any person from entering, passing over, or leaving land in which that person enjoys a right to enter, use, cross, or inspect the property pursuant to an easement, covenant, license, profit or other interest in the land, provided that the interest to be exercised has been duly recorded with the county recorder's office.

This bill would, in addition, prohibit the willful and knowing obstruction of access to property where the entering party possesses a legal right to maintain the property. By expanding the scope of application of an existing crime, this bill would increase the costs of local prosecution and imprisonment, and would therefore impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 420.1 of the Penal Code is amended to
2 read:

3 420.1. Anyone who willfully and knowingly prevents,
4 hinders, or obstructs any person from entering, passing over, or
5 leaving land in which that person enjoys, either personally or as
6 an agent, guest, licensee, successor-in-interest, or contractor, a
7 right to enter, use, cross, ~~or~~ inspect, *or maintain* the property
8 pursuant to an easement, covenant, license, profit, or other
9 interest in the land, is guilty of an infraction punishable by a fine
10 not to exceed five hundred dollars (\$500), provided that the
11 interest to be exercised has been duly recorded with the county
12 recorder's office. This section shall not apply to the following
13 persons: (1) any person engaged in lawful labor union activities
14 that are permitted to be carried out by state or federal law; or (2)
15 any person who is engaging in activities protected by the
16 California Constitution or the United States Constitution.

17 SEC. 2. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the
22 penalty for a crime or infraction, within the meaning of Section
23 17556 of the Government Code, or changes the definition of a
24 crime within the meaning of Section 6 of Article XIII B of the
25 California Constitution.